IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 1471 of 2005(A)

PETITIONER:

DENCY CHARLES, W/O. CHARLES,
THOPPIL HOUSE, KOLENCHERY, ERNAKULAM.

BY ADV. SRI.PAUL K.VARGHESE

RESPONDENTS:
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1. KUNNAMKULAM MUNCIPALITY,
REP. BY ITS SECRETARY, KUNNAMKULAM.

2. THE TALUK SURVEYOR,
THALAPPILLY TALUK.

ADDL. 3. SRI. MOHAMMED HAJI, SON OF RAYAN,
KALEESANPARAMBIL HOUSE, KOKKUR DESOM, OTHALUR,
PONNANI TALUK, MALAPPURAM.

ADDL. 4. P.M. CHAKKAPPAI, VATTAPARAMBIL HOUSE, MALAM P.O., MANARKAD.

ADDL. 5. MARY ROBIN , VATTAPARAMBIL HOUSE, MALAM P.O., MANARKAD.

ADDL. 6. THE REVENUE DIVISIONAL OFFICER, THRISSUR.

ADDL.R3 AND R4 IMPLEADED AS PER ORDER ON I.A. 1658/2005 DATED 7.12.2006

ADDL. R5 IS IMPLEADED AS PER ORDER DATED 20.2.2006 IN I.A.NO. 13172/05 & I.A. 18014/05

ADDL. R6 IS IMPLEADED AS PER ORDER ON I.A. 8800 OF 2006 DATED 7.12.2006

R2 & R6 BY G.P. SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 1471 OF 2005

Dated this the 7th day of December, 2006

JUDGMENT

Petitioner complained that puramboke road is encroached by one Muhammed Haji. When the RDO before whom complaint was filed did snot take any action, this Court issued direction to the RDO vide Ext.P1 judgment. It is seen from Ext. P2 order of the RDO, issued pursuant to Ext.P1 judgment of this Court, RDO directed the first respondent Municipality to take immediate action. However, Municipality did not take any action and hence petitioner approached this Court for appropriate direction to the Municipality. Since puramboke land is vested with the Municipality it is for the Municipality to ensure that it is not trespassed by anyone and is retained for use by it for public. First respondent is therefore directed to take immediate action based on Ext.P2 order of the RDO and petitioner should be informed of the action taken by the Municipality within six weeks from the date of production of a copy of this judgment by the petitioner. The Taluk Surveyor should assist the

Municipality in terms of the direction of the RDO. I make it clear that Municipality should proceed in the matter after issuing notice to the affected parties and after hearing them. If the Municipality does not take action pursuant to this judgment, it is open to the petitioner to move this Court for contempt.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge